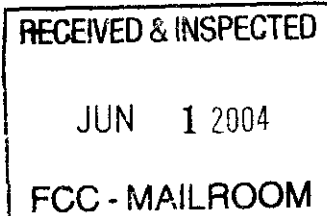


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May 27, 2004

VIA FEDERAL EXPRESS 8465-3488-2409

Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of North Penn School District
Lansdale, Pennsylvania
File No. SLD-323279
CC Docket No. 02-6

Dear Sir or Madam:

Enclosed please find for filing an Application for Review from Telecommunications Access Policy Division Wireline Competition Bureau's Decision, Proceeding Number DA04-1128 with regard to the above matter.

Kindly time stamp the extra copy and return it to me in the enclosed self-addressed, stamped envelope.

Sincerely,

S. JUSTIN DAVIS

SJD/mm
Enclosure

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DA 04-1128

In the Matter of

North Penn School District
Lansdale, Pennsylvania

File No. SLD-323279
CC Docket No. 02-6

**Application for Review from Telecommunications Access Policy Division,
Wireline Competition Bureau's Decision, Proceeding Number DA 04-1128**

The North Penn School District ("School District"), by and through its attorneys, Dischell, Bartle, Yanoff & Dooley, hereby files this Application for Review and in support thereof avers as follows:

1. This matter arises from a denial of funding to the School District by the Schools and Libraries Division ("SLD") for the 2002-2003 year.
2. On December 20, 2001 the School District filed its Form 470 electronically and by conventional mail.
3. On December 24, 2001 SLD sent a confirmation letter to the School District acknowledging receipt of the School District's Form 470.
4. On January 17, 2002 the School District filed its Form 471 electronically and by conventional mail, which was within the window to file its Form 471.
5. The School District never received confirmation of the receipt of its Form 471 by SLD, and the SLD website displayed that the School District's Form 471 was "In Review."

6. In December 2002, after still not having received any information from SLD as to the status of its Form 471, the School District contacted SLD and was informed by a representative from SLD that SLD was experiencing delays in the processing of all applications.

7. The School District then filed a case #18145 to ascertain the status of its Form 471.

8. In January 2003, a representative from SLD orally communicated to the School District that the delay in the processing of the School District's Form 471 was due to an alleged postmark date of January 18, 2002 for the School District's Form 471 Block 6: Certifications and Signature page, and as such, the form was considered to be "Out of Window."

9. The School District, however, still had not received a decision letter from SLD nor did the School District have any reason to believe that its Form 471 had in fact been denied.

10. On March 20, 2003 the School District filed an appeal to SLD (the "First Appeal").

11. On April 30, 2003 SLD sent a decision letter to the School District regarding the School District's First Appeal in which SLD rendered a decision that the School District failed to file an appeal to SLD's Form 471 Certification-Rejection Letter within the 60-day time period required by 47 C.F.R. § 54.720, and as such, the School District's appeal was denied.

12. The School District has no reason to believe that SLD ever sent a Form 471 Certification-Rejection Letter to the School District.

13. The School District immediately filed an appeal to SLD's April 30, 2003 decision letter (the "Second Appeal") on May 5, 2003.

14. On April 29, 2004 the Federal Communications Commission rendered a decision denying the School District's Second Appeal, which is the subject of this Application for Review.

15. The School District filed its Form 471 electronically and by mail on January 17, 2002 within the window for filing a Form 471, and the School District has no reason to believe that the form was not mailed on that date.

16. The School District diligently and in good faith attempted to ascertain the status of its Form 471.

17. At no time prior to the School District filing its First Appeal was the District informed that its Form 471 had in fact been denied or the reason for its denial.

18. The School District to this date still has never received a written decision by SLD why its Form 471 was denied.

19. Federal Regulation 47 C.F.R. § 54.720 requires that an appeal of an SLD decision must be filed within 60 days of a written decision by SLD. The District never received a written decision from which to file an appeal, and the District has no reason to believe that a written decision was ever issued.


20. The School District, through no fault of its own, has been denied an opportunity to appeal the denial of its Form 471.

21. If the School District had been given notice of the denial of its Form 471 it would have filed a timely appeal, as it did in its Second Appeal.

22. As such, the School District respectfully requests that its funding request for the 2002-2003 year be granted, or in the alternative, that it be given the opportunity to appeal the denial of its Form 471.

WHEREFORE, the North Penn School District requests that its Application for Review
be granted.

DISCHELL, BARTLE, YANOFF & DOOLEY

By: 
S. JUSTIN DAVIS, ESQUIRE
Pennsylvania ID No. 90878
Attorneys for Petitioner

Date 5/27/04